

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1879.02
COMPLAINT INVESTIGATOR: Steve Starbuck
DATE OF COMPLAINT: February 21, 2002
DATE OF REPORT: March 19, 2002
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: April 26, 2002

COMPLAINT ISSUES:

Whether the Gary Community School Corporation violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically:

- a. failing to provide the parent with progress reports as required for the 2001-2002 school year;
- b. failing to provide extended school year (ESY) services during the school's 2001 winter break;

511 IAC 7-27-4(c) and 511 IAC 7-27-9(a)(6) by failing to ensure that a continuum of services was considered by the case conference committee (CCC) in determining the extended school year services to be provided to the student during the school's 2001 winter break.

511 IAC 7-26-2(d) by failing to ensure that professional and paraprofessional staff working with the student have received specialized inservice training regarding autism spectrum disorder.

During the course of the investigation, an additional issue was identified, which is:

511 IAC 7-27-6(a)(7)(B) by failing to include a statement in the IEP that explains how the student's parent will be regularly informed, at least as often as parents are informed of their nondisabled student's progress, of the student's progress made toward the annual goals.

FINDINGS OF FACT:

1. The student is sixteen years old, attends ninth the grade, and has been determined eligible for special education under the following disability categories: autism, severe mental disability, and communication disorder.
2. An IEP was developed for the student on October 19, 2001. The IEP has a starting date of October 19, 2001, and an ending date of October 19, 2002. The parent signed the IEP on October 19th indicating her agreement with recommendations and services determined appropriate for the student by the CCC. The parent contends that she has not received any progress reports from the school since the IEP was written. The IEP contains eight annual goals. None of the eight pages listing the annual goals indicate the method by which the parent will be informed of the student's progress made toward achieving the goals. The goal pages reflect that the reporting times for informing the parent of the student's progress vary according to the particular goal. Six of the goals sheets indicate that the parent will be informed of the student's progress at six or nine week intervals. There is no time period listed for reporting the student's progress made for one goal, and the other goal reflects that the parent will be informed of the student's progress at the end of the semester, which is less often than parents are informed of the progress made by nondisabled students. The director reports that the parent was notified of the student's progress made toward achieving the goals in a narrative format completed by the student's

teacher of record a six and nine week intervals. The director provided to the Division one copy of an undated progress report for the student written in a narrative format. The director was unable to provide documentation to verify that progress reports were completed at six and nine week intervals and at the end of the semester as indicated on the goal sheets. In addition, the director was unable to document that the parent had actually received any progress reports since the IEP was written on October 19th.

3. The parent contends that school personnel failed:
 - a. to ensure that a continuum of services was considered by the CCC in determining the ESY services to be provided to the student during the school's 2001 winter break; and
 - b. to provide ESY services during the school's 2001 winter break.The October 19th IEP indicates that the CCC determined that the student was in need of ESY services. In regard to ESY services, the IEP reflects that the student should participate in a community-based summer enrichment camp for four hours a day for five weeks. There is nothing in the October 19th Case Conference Report or IEP to indicate that the CCC ever discussed the need to provide the student with ESY services during the school's 2001 winter break. The director attended the October 19th CCC meeting, and reports that the issue of providing the student with ESY services over the school's winter break was never discussed at the CCC meeting.
4. The parent alleges that professional and paraprofessional staff working with the student have not received specialized inservice training regarding autism spectrum disorder. The following staff work with the student:: occupational and speech therapists, two teachers, an instructional assistant, and a bus attendant. The assistant director indicated that some staff working with the student have received inservice training regarding autism spectrum disorder. However, inservice training records for these employees were not provided. The assistant director acknowledged that she was not certain that all personnel working with the student have received training in the area of autism. The assistant director provided a copy of a memorandum she had written to the principal on March 5, 2002, informing her that all personnel working with the student would need to be available on March 12, 2002 for inservice training on autism.

CONCLUSIONS:

1. Finding of Fact #2 reflects that school personnel failed to:
 - a. provide progress reports to the parent as specified in the October 19th IEP;
 - b. include a statement in the IEP that explained how the parent would be regularly informed of the student's progress made toward achieving annual goals; and
 - c. specify for two goals listed in the IEP that the parent would be informed of the student's progress at least as often as parents of nondisabled students are informed.Therefore, violations of 511 IAC 7-27-7(a) and 511 IAC 7-27-6(a)(7)(B) are found.
2. Finding of Fact #3 establishes that there is nothing in the October 19th CCC Report or IEP to indicate that the CCC discussed or determined that the student was in need of ESY services during the school's 2001 winter break. Therefore, no violations of 511 IAC 7-27-7(a), 511 IAC 7-27-4(c), and 511 IAC 7-27-9(a)(6) are found.
3. Finding of Fact #4 indicates that school personnel were unable to provide documentation to verify that professional and paraprofessional staff working with the student had received specialized inservices training regarding autism spectrum disorder. Therefore, a violation of 511 IAC 7-26-2(d) is found.

The Department of Education, Division of Exceptional Learners, requires the following corrective action based on the Finding of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Gary Community School Corporation shall:

1. Inservice all appropriate school personnel regarding the following issues:
 - a. progress reports shall be provided to parents as specified in the student's IEP;
 - b. the IEP must include a statement that explains how the parent will be regularly informed of the student's progress made toward achieving annual goals; and
 - c. parents of disabled students shall be informed of their student's progress at least as often as parents of nondisabled students are informed.Submit documentation to the Division no later than April 24, 2002, that verifies the inservice training has been completed. The documentation shall include a list or an agenda of all issues discussed, any handouts that were distributed, and a list of attendees by name and title.
2. If not already accomplished, provide specialized inservice training to all professional and paraprofessional staff working with the student regarding autism spectrum disorder. Submit documentation to the Division no later than April 24, 2002, that verifies the inservice training has been completed. The documentation shall include list or an agenda of all issues discussed, any handouts that were distributed, and a list of attendees by name and title.
3. Convene a CCC meeting to include a statement in the IEP that explains how the parent will be regularly informed of the student's progress made toward all annual goals. The parent shall be informed of the progress made at least as often as parents are informed of their non disabled student's progress. Submit a copy of the Case Conference Report and IEP to the Division no later than April 24, 2002.
4. Submit an assurance statement to the Division no later than April 24, 2002, that ensures:
 - a. all IEPs developed for the student shall be implemented as written; and
 - b. inservice training for professional and paraprofessional staff is provided in a timely manner.The assurance statement shall be signed by the director.